

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

J.M., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:15-cv-04822

LOGAN COUNTY BOARD OF EDUCATION, et al.,

Defendants.

**ORDER AND NOTICE**

Pending before the Court are four unopposed motions by the defendants in this case. On April 15, 2015, Plaintiff Tanya Lardieri initiated the present lawsuit on behalf of her minor son, “J.M.” by filing a complaint before this Court. (ECF No. 1.) Summons were issued on August 6, 2015, and the docket reflects no other activity by Plaintiffs since that time.

On August 31, 2015, Defendants filed a motion to dismiss for failure to state a claim, asserting several substantive bases for dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 7.) When Plaintiffs failed to respond within fourteen days of service, as required by this Court’s Local Rule of Civil Procedure 7.1(a)(7), Defendants filed, on October 2, 2015, a motion to strike any pleading by Plaintiffs responsive to the motion to dismiss. (ECF No. 9.) Plaintiffs again failed to respond, and on October 20, 2015, Defendants filed a second motion to strike, seeking to strike any of Plaintiffs’ pleadings responsive to the defendants’ first motion to strike. (ECF No. 10.) That same day, Defendants filed a motion to dismiss Plaintiffs’ complaint,

pursuant to Federal Rule of Civil Procedure 41(b), based on Plaintiffs' failure to prosecute their case. (ECF No. 11.) To date, Plaintiffs have not responded to any of these motions.

The Federal Rules of Civil Procedure allow a district court, upon motion requesting such action, to dismiss an action or claims against a defendant “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order.” Fed. R. Civ. P. 41(b). In light of Plaintiffs' failure to respond to several of Defendants' potentially dispositive motions, the Court hereby **ORDERS** that Plaintiff show cause in writing no later than December 14, 2015 as to why this civil action should not be dismissed for failure to prosecute pursuant to Rule 41(b). Plaintiffs are hereby given **NOTICE** that their failure to show cause in writing by the specified date will result in dismissal of this action with prejudice.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 3, 2015



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE